

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1-25-2010 has been entered.

The following is a **Non-Final Office Action** of application number 10/635,105.

Claims 1-20 are pending.

Response to Argument

2. The applicant's arguments have been fully considered but they are not persuasive.

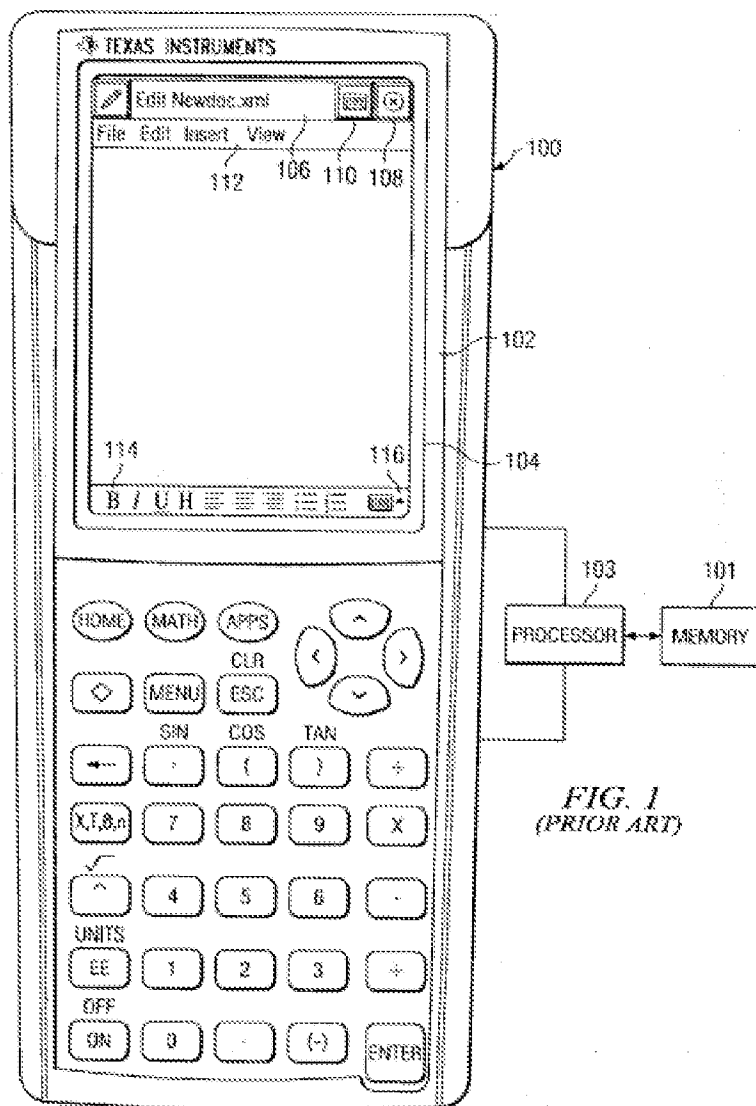
3. The applicant argues that the cited prior art references fail to teach the claimed limitation of a "calculator" because a "calculator" implies a handheld device and a computer is not a "calculator".

The examiner respectfully disagrees

The examiner notes that the applicant has not invoked lexicography as to what a "calculator" is such that it would differ from a computer. The examiner notes that the examination of patents is to use the broadest reasonable interpretation in interpreting

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patent claims. According to this interpretation, a calculator is a computer. For example, in the applicant's own specification on page 4 top reads: "**Figure 1 illustrates a computer or hand held computing device 100 that incorporates features of the present invention**". Thus the applicant's own specification notes that a handheld device (i.e. a calculator) is a computer. Figure 1 is shown here:



Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino US 6,149,441 (hereinafter **Pellegrino**) in view of Bergman US 5,601,432 (hereinafter **Bergman**)

Regarding **Claims 1-20**, Pellegrino teaches a system and a method for providing a way for teachers to build lesson plans, where those lesson plans include links to various other media for the purpose of giving students additional material (e.g. files, html pages, multimedia documents) to use in their learning experience. Pellegrino teaches various embodiments as part of the lesson planning and executing invention, however, Pellegrino's invention showed that these various embodiments illustrate that the limitations of the claimed invention, at least separately, were known in the art. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the various teachings and embodiments of Pellegrino, regarding a computer based system of providing lesson planning, because it would have provided a predictable result in providing for a computer based way to enhance the learning environment of students.

Regarding **Claim 1**, Pellegrino teaches:

1. A time management method, comprising:

coupling at least one portion of a file to a task in a task management application on the calculator, wherein the at least one portion of the file relates to the task to which it is coupled to.

Column 2 line 45-55, lesson plan material is stored, where the lesson plan material including files, is coupled to the specific lessons (i.e. tasks). See also column 11 line 30-35; column 22 line 4-10. Pellegrino teaches performing the method using a server, i.e. a calculator.

Pellegrino teaches a system for building lessons where those lessons involve coupling files to tasks (i.e. the lesson has attached files associated with them). Since Pellegrino teaches the building of lessons, this implies that the file and the task relate to a specified time the lesson will be given. However, Pellegrino does not explicitly teach where the file and task (i.e. associated with the lesson) are coupled to a specific time, i.e. **an appointment in the time management system.**

Bergman teaches where homework assignments (i.e. tasks) are associated with an appointment in a time management system (see Figure 6, here, homework assignments and projects have specific times, i.e. appointments, associated with them).

Since Pellegrino shows that lesson assignments have files attached to them and implicitly those tasks are for a particular class (given at a particular time) and Bergman shows that homework assignments have a particular due date (i.e. an appointment in the time management system), the features claimed are separately shown to be in the art and would provide a predictable result in combining them. Furthermore, Bergman teaches the advantages of providing an appointment system in that the user then knows when they have particular assignments due by virtue of their being tracked explicitly (see column 4 line 45-50; column 9 line 25-35). Thus there is motivation to combine Bergman's teachings into Pellegrino by virtue of providing users with the ability to track the time associated with assignments.

Regarding **Claim 2**, Pellegrino teaches:

2. The time management method of claim 1, wherein the task management application is utilized by at least one of a student or a teacher to track assignments due.

Column 3 line 46-47; column 10 line 40-43, teachers use the application to track various assignments that are due; see also column 18 line 49-53; column 20 line 65-67

Regarding **Claim 3**, Pellegrino teaches:

3. (currently amended) The time management method of claim 1 wherein

the coupling step includes at least one of linking the task to at least one appointment in a data base to maintain a relationship between the task or to allow a user to at least one of create remove or edit the relationship.

column 10 line 55-60, the user can link to pages based on the lesson plan and edit the linked pages (i.e. change the relationship between the lesson and the particular file the lesson is linked to). See also column 13 line 33-43.

Regarding **Claim 4**, Pellegrino teaches:

4. (currently amended) The article time management method of claim 3 wherein the task is in an assignment due list of a calendar of the time management application.

Column 10 line 48-49; a series of lessons (i.e. including assignments with the lesson plan) (re; Webster's 10th Edition Collegiate Dictionary – Calendar defined as “an orderly list”).

Regarding **Claim 5**, Pellegrino teaches:

5. (currently amended) The time management method of claim 4 wherein time periods relate to the task in the calendar of the time management application, wherein the time periods are class periods.

Column 26 line 44-50, the lessons are for class sessions (i.e. periods).

Claims 6-20 recite similar limitations to those addressed by the rejection of Claims 1-5 above, and are therefore rejected under the same rationale.

Furthermore Regarding Claims 6-20, Pellegrino teaches a computer system and software for performing the method steps (see Figure 1).

Furthermore regarding Claim 19, Pellegrino teaches a computer system with a server and a computer that links to the server to perform the method steps. Pellegrino does not explicitly teach a portable computer system, however Official Notice is taken that portable computers (i.e. laptops or PDA's) are known in the art to provide mobile computing. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Pellegrino to include using a portable computer, because it would have provided a predictable result through providing a user of the system and method with a way to do so with a computer that was portable

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4-10-2010

JGS

/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623